

**MINUTES
URBAN COUNTY PLANNING COMMISSION
POSTPONED SUBDIVISION ITEMS**

June 24, 2010

- I. CALL TO ORDER** – The meeting was called to order at 1:33 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present: Marie Copeland; Mike Cravens; Ed Holmes; Mike Owens; Derek Paulsen; Frank Penn, Chair; Carolyn Richardson; Joan Whitman; and William Wilson. Absent were Patrick Brewer and Lynn Roche-Phillips.

Planning staff members present: Chris King, Director; Bill Sallee; Traci Wade; Tom Martin; and Stephanie Cunningham. Other staff members present were Rochelle Boland, Department of Law; Captain Charles Bowen, Division of Fire and Emergency Services; and Hillard Newman, Division of Engineering.

- II. APPROVAL OF MINUTES** – No such items were presented.

- III. POSTPONEMENTS AND WITHDRAWALS** – No such items were presented.

- IV. LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, June 3, 2010, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens, Carolyn Richardson, Derek Paulsen and Marie Copeland. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Chris Taylor, and Denice Bullock, as well as Rochelle Boland, Law Department and Bob Carpenter, Building Inspection. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

- 1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
- 2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

A. DEVELOPMENT PLAN

1. DP 2008-137: MOHAMMAD SERAJI PROPERTY (AMD.) (8/26/10)* - located at 432 South Broadway.
(Council District 3) **(Mohammad Seraji)**

Note: The Planning Commission indefinitely postponed this plan at its January 15, 2009, meeting. The applicant has requested that this item be re-docketed for consideration by the Commission and subsequently requested a two-week postponement at the June 10th meeting.

Note: The purpose of this amendment is to add one dwelling unit and 86 square feet of buildable area.

On November 6, 2008, the Subdivision Committee Recommended: Postponement. There were questions regarding the off-street parking requirements.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscape buffers.
4. Urban Forester's approval of tree preservation plan.
5. Division of Fire's approval of emergency access and fire hydrant locations.
6. Approval of street names and addresses per the street addressing office.
7. Addition of note stating that the improvements shall comply with the Engineering Manuals.
8. Correct purpose of amendment note.
9. Correct note number 4.
10. Correct zoning information (H-1 Overlay) and include adjoining property zoning information.
11. Addition of site statistics data from the approved plan.
12. Addition of building lines.
13. Addition of contours.
14. Document and clearly denote open space requirements on plan.
15. Remove designated open space in right-of-way.
16. Clarify site statistics.
17. Discuss parking dimensions proposed.

Staff Presentation: Mr. Sallee began the staff's presentation by noting that the staff had received a letter just prior to this meeting, denoting the possibility of a shared parking arrangement for the subject property. He circulated the letter to the Commission members for their review.

* - Denotes date by which Commission must either approve or disapprove request.

Using a rendering of the proposed development plan, Mr. Sallee oriented the Commission to the location of the subject property at the western edge of the South Hill Historic District, at the corner of South Broadway and Pine Street. The subject property has approximately 50 feet of frontage along Plunkett Street, at the rear of the property. Mr. Sallee noted that the subject property has been before the Planning Commission at least twice in the past ten years. This particular plan was originally filed in 2008 in order to add one dwelling unit and 86 square feet of floor area. The property has an existing structure, a small amount of green-space, an off-street parking lot with access to both Pine Street and Plunkett Street, and a wraparound porch along the front and side of the structure. The property is currently occupied by a mixture of office and residential uses.

Mr. Sallee directed the Commission's attention to several aerial photographs of the subject property, one of which depicted the available on-street parking along both sides of Pine Street in this block. He noted that one of the Pictometry photographs, taken in 2007, depicts a very similar parking arrangement to the one proposed on the plan that is before the Commission today. At that time, the parking area included two or three pull-in spaces, and several parallel parking spaces. He compared that photo to the one taken earlier this year, showing construction work on the site.

Mr. Sallee said that this plan is currently proposed to be amended in order to add another dwelling unit. That additional dwelling unit would require one extra parking space, which was part of the reason for the postponement of this plan in 2008. Since the applicant asked for this plan to be re-docketed, they have submitted two revisions to the plan. The most recent version of the plan indicates that the proposed floor area increase would be approximately 280 square feet. That, alone, would not require an increase in off-street parking; however, the additional dwelling unit proposed would require one additional off-street parking space. By the staff's calculations, there are eight off-street parking spaces required for the subject property. Both the current development plan and the revised development plan indicate six on-site, off-street parking spaces. The plan the staff received late in the day prior to this meeting proposed a redesign of the parking area so that all of the spaces would allow "head-in" parking with access from Pine Street. With this revision, there would also be room for one handicap parking space. This design would require that a portion of the greenspace at the rear of the property be converted to concrete in order to allow for a 22' turning radius for vehicles leaving the property.

As part of the staff's preparation for today's meeting, they attempted to rework the parking area in such a way that the additional 22 feet of pavement could be reduced, since the subject property is in a local historic district (H-1) and that could become an issue in the BOAR's review of the plan. Mr. Sallee displayed an alternative rendering of the parking area for the subject property, which would require that the one-way circulation pattern through the property go in the opposite direction than proposed. Under the staff's proposed changes, the applicant could use 60-degree angled parking, and also accommodate one handicap space. It might slightly impact, however, a proposed handicap-accessible ramp to the rear entrance of the building. The staff's proposal would not affect the proposed landscape buffers for the vehicular use area, and would allow for slightly increased open space. Mr. Sallee noted that the final design of the parking would be subject to the approval of the Division of Traffic Engineering, whose standards were used to develop the staff's proposed re-design of the parking area. The development plan will also require the approval of the Board of Architectural Review. The proposed re-design could improve the layout of the parking area, but it would still only provide six off-street parking spaces, and a minimum of eight are required for all of the uses proposed.

Mr. Sallee stated that the staff had prepared a revised recommendation of approval for this plan, subject to one of two possible conclusions with regard to the parking: a) the filing of a variance request to reduce the number of parking spaces required; or b) the implementation of a joint parking agreement between the subject property and an adjoining property, or between the office and residential uses within the structure on the property. The staff will have to review the requirements for both of those alternatives, and would not certify this plan until one of the options has been sufficiently accomplished. If the applicant chooses to implement a shared parking agreement, that would also require the approval of the Department of Law.

Mr. Sallee stated that there are some additional issues that need to be resolved in order for this plan to be approved. In the staff's opinion, the documented open space on the subject property is very close to the minimum required, and the staff would like to add a condition to document the BOAR's approval of both the revised parking and the reduction in open space prior to certification of the plan. The portion of the wraparound porch that is in front of the building does not qualify as usable open space; but the portion that is behind the building line does qualify, so the staff would require that the applicant break down those figures in the site statistics in order to fully document the available open space. Also, the staff would recommend that the size of the large apron depicted on Plunkett Street, and as depicted on the last plan revision, be reduced to the approval of the Division of Traffic Engineering.

With the understanding that either a shared parking agreement or a parking variance will be necessary, the staff is prepared to recommend approval of this plan, subject to the original 16 conditions, with three additional conditions as follows:

17. Document Board of Architectural Review's approval of the revised parking and reduction in open space prior to certification of this plan.
18. Document Board of Adjustment's approval of a dimensional variance on parking or document a joint parking agreement for two spaces prior to plan certification.
19. Reduce apron size on Plunkett Street to the approval of the Division of Traffic Engineering.

Commission Questions: Ms. Copeland asked if waste will be picked up inside the subject property. Mr. Sallee answered that a dumpster location was not included on this plan, and the applicant's information did not indicate whether the property would be

served by Herbie roll-carts. Ms. Copeland stated that, if a dumpster will be required on site, that could further impact the parking. She added that she does not find a two-year parking agreement to be acceptable, and she believes that the applicant should have a permanent arrangement for the shared parking spaces. Mr. Saltee responded that the Commission could require a longer agreement, and noted that the two-year time frame is standard for such agreements. He added that that was why he had pointed out the availability of on-street parking spaces on Pine Street. Ms. Copeland said that, should the areas adjacent to Pine Street develop further, those off-street spaces might not be available. Mr. Saltee answered that there is an approved development plan for the property across Pine Street which would result in the loss of some on-street parking spaces should the property develop according to that plan.

Mr. Owens asked Mr. Saltee to explain the details of a shared parking agreement. Mr. Saltee answered that the use of shared parking agreements has been a provision of the Zoning Ordinance for quite some time. It allows joint use of the same parking, lots, but requires documentation of the different times in which the parking would be utilized by the different uses. Mr. Owens asked if the structure on the subject property was currently occupied. Mr. Saltee responded that he was not sure, and he would defer that question to the applicant's representative.

Mr. Holmes stated that the time frames described in the proposed shared parking agreement might be difficult to enforce. He said, for example, that one of the tenants of the office use might periodically need to work late. Mr. Saltee answered that the staff would be very concerned if all of the off-street parking spaces were to be shared; but they are comfortable that, should one of two of the office tenants need to work late, there should still be sufficient parking for the residential use at this location. He noted that the Zoning Ordinance was amended last year to now allow for a one-hour overlap of the uses in a shared parking situation.

Mr. Penn asked if a reduction of the proposed 30-foot apron on Plunkett Street would increase the usable open space on the property. Mr. Saltee answered that it would not, since the apron was located in the right-of-way of that street.

Applicant Representation: Bob Cornett, Roberts Group, stated that he had been retained by the applicant on the evening prior to today's meeting. He said that the applicant is a structural engineer, and he currently operates his office on the first floor of the structure on the subject property, while a residential unit occupies the second floor. The renovation of the building is the result of a recent fire. He said that the damaged areas have been removed, and the proposed plan is the result of the applicant's desire to add a second dwelling unit in order to help offset the costs of the renovation. There has never been a handicap parking space or ramp on the subject property, since the applicant typically visits clients' sites rather than having them come to his office. Mr. Cornett said that there are provisions that would allow the applicant to not have handicap accessibility on the subject property, but the Division of Building Inspection staff would like for the facilities to be installed in case the applicant should ever decide to sell the building.

Mr. Cornett stated that the applicant was not very familiar with zoning regulations and development plan requirements, but he wants to develop the subject property appropriately and he will work to satisfy all 19 of the conditions for approval of the plan. Mr. Cornett noted that he would have to confer with the applicant about the staff's proposed parking layout, but he knows that the applicant will be willing to work with the staff to come up with a proper solution.

Commission Questions: Ms. Copeland asked if a dumpster will be required for solid waste collection on the subject property. Mr. Cornett responded that the use of Herbies should be sufficient for the office and residential uses on the subject property. Ms. Copeland asked if Mr. Cornett believes that a handicap parking space would be necessary on the property. Mr. Cornett answered that the applicant does not believe that it is absolutely necessary, but he wants to comply with the guidelines set forth by the Division of Building Inspection. Ms. Copeland asked if waiving the handicap parking space and ramp would have a positive effect on the amount of open space on the property. Mr. Cornett responded that, without the ramp, more open space would be available; without a handicap parking space, another regular parking space would be available. He added that another 1.5 feet of greenspace might be attained if those handicap facilities were not installed. Ms. Copeland asked if the handicap ramp is proposed to serve the office use on the first floor of the building, or the residential use on the second floor. Mr. Cornett answered that, since there is no elevator in the building, it is unlikely that an individual who required a handicap ramp would reside in one of the dwelling units on the second floor. Ms. Copeland asked how many parking spaces are required for the office use on the first floor, to which Mr. Cornett responded that six spaces will be required. She said that it might be possible to "fudge" on the handicap parking space, which would allow for more regular parking spaces. Mr. Cornett answered that, in order to comply fully with ADA regulations, the applicant must provide one handicap parking space, which must be 16 feet wide and van-accessible.

Mr. Penn asked if the use of an outdoor elevator might solve the issue of the handicap parking space. Mr. Cornett replied that it would not, although it would allow for more greenspace on the property. He added that it would add approximately \$18,000-25,000 to the cost of the renovations to install such an elevator.

Ms. Richardson asked how many people work in the applicant's office on the first floor of the building. Mr. Cornett responded that there are typically four people working in the office: the property owner and his wife, and two other staffers.

Mr. Owens asked if the applicant intends to allow more tenants to locate in the building. Mr. Cornett answered that there is not enough room in the office to allow anyone else to locate there.

Mr. Owens asked if a parking variance, if granted, would run with the property or with the owner. Mr. Sallee responded that the Board of Adjustment can place conditions on the approval of a variance, but variances generally run with the land.

Ms. Copeland asked at what point two handicap spaces would be required. Mr. Cornett answered that the applicant would have to provide at least 25 parking spaces in order to require an additional handicap space. Ms. Copeland stated that she is generally in favor of ADA compliance, but she believes that requiring a handicap space on the subject property might "penalize" the applicant. She said that, in order to promote reuse of old buildings, it might be necessary to relax parking requirements somewhat. Mr. Cornett stated that it is always a challenge to redevelop an existing building, particularly one that was originally intended for residential uses.

Staff Rebuttal: Mr. Sallee stated that he did not have any rebuttal comments, but would like to share with the Commission members some information provided to him during this discussion by Mr. Martin. With regard to the earlier Commission questions about solid waste pickup, the Department of Solid Waste is not a sign-off approval on this plan, since they reviewed the plan and determined that dumpster service will not be necessary at this location.

Action: A motion was made by Ms. Whitman, seconded by Ms. Richardson, and carried 8-1 (Brewer and Roche-Phillips absent; Owens opposed) to approve DP 2008-137, subject to the 19 conditions as listed on the agenda.

V. **ZONING ITEMS** – There were none at this time.

VI. **COMMISSION ITEMS**

- A. **ELECTION OF OFFICERS** – With the upcoming expiration of the term of Mr. Frank Penn, the Commission shall elect a new Chairperson. The nominating committee appointed earlier this month by the Chair will present its slate for consideration by the Planning Commission. Nominations may also be made from the floor.

Mr. Holmes stated that the nominating committee had met, per Mr. Penn's instructions, and would like to present the following slate of officers for the Commission's consideration:

Chairperson	-	Carolyn Richardson
Vice Chairperson	-	Mike Cravens
Secretary	-	Mike Owens
Parliamentarian	-	Ed Holmes

Mr. Penn asked if there were any nominations from the floor. There were none.

Action: A motion was made by Mr. Cravens, seconded by Mr. Holmes, and carried 9-0 (Brewer and Roche-Phillips absent) to close the nominations, and accept the slate of officers as presented by Mr. Holmes.

- B. **COMMISSION REMARKS** – Ms. Whitman stated that she had really enjoyed her eight years on the Commission, and that she believes that the Planning staff is one of the best in the nation. She noted that the staff's hard work behind the scenes makes the Commission's work very easy, and added that she has enjoyed working with her fellow commissioners as well.

Mr. Penn stated that he would like to add that he had had an extremely steep learning curve as a Planning Commission member, and he appreciated that staff's willingness to work with him. He said that he is excited for the challenges that are ahead of the Planning Commission and the Division of Planning, including the upcoming Comprehensive Plan. Mr. Penn added that, as a regular citizen who had the honor to serve on the Planning Commission for eight years, he is leaving very humbled.

VII. **STAFF ITEMS** – None at this time.

VIII. **AUDIENCE ITEMS** – None at this time.

IX. **MEETING DATES FOR JULY, 2010**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	July 1, 2010
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	July 1, 2010
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	July 8, 2010
Work Session , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	July 15, 2010
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	July 22, 2010
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	July 28, 2010
Work Session , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	July 29, 2010

X. **ADJOURNMENT** – There being no further business, Chairman Penn declared the meeting adjourned at 2:11 p.m.